

REMARKS

Applicants have amended claims 2, 5, 7, 9, 10, and 14, and cancelled claim 1. Thus, claims 2, 5 – 11, and 14 - 15 are presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Allowable Subject Matter:

The Examiner indicated that claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Claim 2 has been rewritten in such a manner. In view of the amendment to claim 2, Applicants respectfully submit that claim 2 is in condition for allowance as well as dependent claims 5 – 11 and 14 – 15 which depend from claim 2.

Response to Objections to the Specification:

The Examiner has objected to the specifications for informalities. Applicants have amended the specification as suggested by Examiner and respectfully request withdrawal of the objections to the specification.

Response to Objections to the Drawings:

The Examiner has objected to the drawings for informalities. Applicants have amended the drawings as suggested by Examiner and respectfully request withdrawal of the objections to the drawings.

Response to Objections to the Claims:

The Examiner has objected to claim 2 for informalities. Applicants have amended claim 2 as suggested by Examiner and respectfully request withdrawal of the objections to the claims.

Response to rejections under Section 112:

Claims 1, 2, 5 – 11, and 14 - 15 stand rejected under 35 USC § 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Applicants have cancelled claim 1. Applicants have amended claim 2 by clarifying the radial distribution to be a radial velocity distribution.

Regarding claim 10, the Examiner states that it is not understood how the flow deflecting member can be disposed within the second portion. Applicants respectfully submit that one skilled in the art clearly would understand how the flow deflecting member can be disposed within the second portion of the flowpath because disposing a flow deflecting member within a flowpath is done for a variety of reasons, e.g. to control velocity of flow or to direct flow..

Regarding claims 14 and 15, Applicants respectfully submit that MPEP § 2172.01 only requires essential matter which “may include missing elements, steps or necessary structural cooperative relationships of elements described by the applicant(s) as necessary to practice the invention” be disclosed. In the instant case, the specification does not recite that the flowpath is considered to be necessary to practice the invention.

Therefore, Applicants respectfully request withdrawal of rejections under Section 112.

Response to rejections under Section 102:

Claims 1 and 5 - 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kuzyk (US 3,058,302). Examiner apparently reads Kuzyk as disclosing Applicants claimed invention.

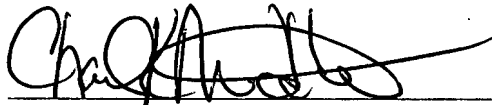
Applicants have cancelled claim 1 and amended claims 5 - 9 to depend from amended claim 2. Therefore, Applicants respectfully request that the Examiner withdraw the Section 102 rejection.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejection set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicant respectfully requests that the Examiner reconsider the objections and rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, or credit any overpayments to Deposit Account No. 19-2179.

Dated: _____

Respectfully submitted,

By: 

Charles K. Middleton
Registration No. 60,275
(407) 736-5318

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830